

Jun 22 2006 2:12PM CANTOR COLBURN LLP

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. 01262 (BLL-0086)
Applicant(s): HONG THI NGUYEN ET AL			
Application No. 10/003,554	Filing Date November 2, 2001	Examiner Le, Karen L.	Group Art Unit 2642
Invention: SYSTEM AND METHOD FOR CALLER CONTROLLED TIME DEMARCATION			
<p>I hereby certify that this <u>Petition for Revival of an Appl. for Patent Abandoned</u> <u>Unintentionally, copy of Notice of Appeal, Req. for Pre-Appeal</u> <u>Brief Conf. & Fee filed 4/24/06 & Petition Fee</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>)</p> <p>on <u>June 22, 2006</u> (Date)</p> <p style="text-align: right;"><u>Sheila Smedick</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"><u>Sheila Smedick</u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

P18/REV02

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)				Docket No. 01262 (BLL-0086)	
In Re Application Of: HONG THI NGUYEN ET AL					
Application No. 10/003,554	Filing Date November 2, 2001	Examiner Le, Karen L.	Customer No. 36192	Group Art Unit 2614	Confirmation No. 5036
Invention: SYSTEM AND METHOD FOR CALLER CONTROLLED TIME DEMARCATION					
RECEIVED CENTRAL FAX CENTER JUN 22 2006					
<u>Attention: Office of Petitions</u> <u>Mail Stop Petition</u> <u>COMMISSIONER FOR PATENTS</u> <u>P.O. Box 1450</u> <u>Alexandria, VA 22313-1450</u>					
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.					
The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.					
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION					
NOTE: A grantable petition requires the following items:					
(1) Petition fee;					
(2) Reply and/or issue fee;					
(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and					
(4) Statement that the entire delay was unintentional.					
1. <input checked="" type="checkbox"/> A proposed reply to the above-identified notice or action:					
<input type="checkbox"/> is enclosed. <input checked="" type="checkbox"/> was filed on <u>April 24, 2006</u>					
The proposed reply is in the form of: <u>Notice of Appeal, Request for Pre-Appeal Brief, Conf. & Fee</u>					
2. <input type="checkbox"/> The issue fee:					
<input type="checkbox"/> is enclosed. <input type="checkbox"/> was paid on <u>06/23/2006 TL0111 00000036 061130 10003554</u> <u>01 FC:1453 1500.00 DA</u>					
3. <input checked="" type="checkbox"/> The abandoned application was a:					
<input type="checkbox"/> design application. <input checked="" type="checkbox"/> utility application. <input type="checkbox"/> plant application.					
4. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.					
5. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.					

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**Docket No.
01262 (BLL-0086)In Re Application Of: **HONG THI NGUYEN ET AL**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/083,554	November 2, 2001	Le, Karen L.	36192	2614	5036

Invention: **SYSTEM AND METHOD FOR CALLER CONTROLLED TIME DEMARCATION**RECEIVED
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Calculation and Payment of Fees


Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,500.00</u> |
| 7. <input type="checkbox"/> Fee for reply in the amount of: | <u> </u> |
| 8. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> _____ | <u> </u> |
| Total fees enclosed: <u>\$1,500.00</u> | |

The fee of \$1,500 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 06-1130
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)					Docket No. 01262 (BLL-0086)	
In Re Application Of: HONG THI NGUYEN ET AL						
Application No. 10/063,554	Filing Date November 2, 2001	Examiner Le, Karen L.	Customer No. 36192	Group Art Unit 2614	Confirmation No. 5036	
Invention: SYSTEM AND METHOD FOR CALLER CONTROLLED TIME DEMARCATION						
Statement						
<p>The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), Subsections (III)(C) and (D)).]</p>						
WARNING:						
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>						
 <i>Signature</i>			Dated: June 22, 2006			
David A. Fox Registration No. 38,807 CANTOR COLBURN LLP 55 Griffin Road South Bloomfield, CT 06002 Telephone 860-286-2929 Facsimile 860-286-0115 Customer No. 36192			<div style="font-size: small; margin-bottom: 5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____.</div> <div style="text-align: center; margin-bottom: 5px;">(Date)</div> <div style="text-align: center; margin-bottom: 5px;">_____ <i>Signature of Person Mailing Correspondence</i></div> <div style="text-align: center;">_____ <i>Typed or Printed Name of Person Mailing Correspondence</i></div>			
CC:						

[Page 3 of 3]

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)Applicant(s): **HONG THI NGUYEN ET AL**

Docket No.

01262 (BLL-0086)

Application No.

10/003,554

Filing Date

November 2, 2001

Examiner

Le, Karen L.

Group Art Unit

2642Invention: **SYSTEM AND METHOD FOR CALLER CONTROLLED TIME DEMARCATION****RECEIVED
CENTRAL FAX CENTER****JUN 22 2006**I hereby certify that this Notice of Appeal, Request for Pre-Appeal Brief Conference and Fee
(Identify type of correspondence)is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-8300)on April 24, 2006
(Date)Sheila Smedick

(Typed or Printed Name of Person Signing Certificate)

Sheila Smedick
(Signature)

Note: Each paper must have its own certificate of mailing.

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**Docket No.
01262In Re Application Of: **HONG THI NGUYEN ET AL**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/003,554	November 2, 2001	Le, Karen L.	36192	2642	5036

Invention: **SYSTEM AND METHOD FOR CALLER CONTROLLED TIME DEMARCATION****COMMISSIONER FOR PATENTS:**Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **9/22/2005** finally rejecting Claim(s) **1-43**.The fee for this Notice of Appeal is: **\$500.00**

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **06-1130**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: **April 24, 2006**

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone 860-286-2929
Facsimile 860-286-0115
Customer No. 36192

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

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cc:

06/23/2006 TL0111 00000036 061130 10003554
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P13LARGE/REV08

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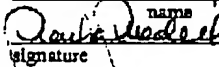
JUN 22 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	HONG THI NGUYEN ET AL)	
SERIAL NO.:	10/003,554)	ART UNIT:
FILED:	November 2, 2001)	2642
FOR:	SYSTEM AND METHOD FOR)	EXAMINER:
	CALLER CONTROLLED TIME)	Le,
	DEMARCATON)	Karen L

I hereby certify that this correspondence is
being transmitted to the United States Patent
& Trademark Office via facsimile to facsimile
Number (571) 273-8300 on April 24, 2006

Sheila Smedley

4/24/06
Date

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed September 22, 2005 and the
Advisory Action Mailed April 6, 2006, and in conjunction with the concurrently filed
Notice of Appeal, Applicants request a pre-Appeal conference in view of the following
remarks.

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REMARKS

In response to the final Office Action dated September 22, 2005 and the Advisory Action mailed April 6, 2006, Applicants respectfully request reconsideration based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cai in view of Smith. This rejection is traversed for the following reasons.

Claim 1 recites a method for setting a limit on the duration of a voice channel communication, comprising "receiving said demarcation information at said first network element; communicating said demarcation information to said second network element, causing said second network element to store said demarcation information; and wherein said subscriber provides said demarcation information." Cai is directed to system in which a user of a telephone is granted a free bonus call if the user listens to an advertisement. Cai teaches that the bonus call lasts for a predetermined duration determined by the sponsoring entity. The sponsor of the advertisement is then billed for the bonus call (col. 3, lines 30-42).

In applying Cai, the Examiner acknowledges that Cai fails to teach a subscriber providing call demarcation information. The Examiner cites to Smith as teaching a system in which a subscriber sets the demarcation information. The Examiner submits it would have been obvious to one of ordinary skill in the art to incorporate Smith's feature to Cai's system in order to allow the subscriber to provide and select demarcation information. Applicants respectfully disagree that such a modification of Cai would have been obvious.

In Cai, the sponsor sets the duration of the call, because the sponsor of the advertisement eventually pays for the cost of the call. To allow the user in Cai to set the duration of the free bonus call would place the sponsor at the whim of the user, resulting in exorbitant costs to the sponsor. If the user in Cai sets the duration of the free bonus call, then the sponsor has no way to control costs associated with the advertising campaign. It simply does not make sense to allow the user in Cai to set the duration of the

free bonus call. Thus, such a modification certainly would not have been obvious to one of ordinary skill in the art.

In the Advisory Action, the Examiner states that Cai does suggest allowing the caller to set the duration of the bonus call. Applicants respectfully disagree. The section of Cai relied upon by the Examiner relates to limitations imposed by the sponsor on the number or type of calls. Neither of these limitations is set by the caller. Thus, Cai does not suggest allowing the caller to set the duration of the bonus call.

For the above reasons, claim 1 is patentable over Cai in view of Smith. Claims 2-9 depend from claim 1 and are patentable over Cai in view of Smith for at least the reasons advanced with reference to claim 1.

Claim 10 recites "determining a demarcation interval for said communication based on demarcation information provided by a subscriber." As described above with reference to claim 1, there is insufficient motivation to modify Cai to include demarcation information provided by the subscriber. Thus, claim 10 is patentable over Cai in view of Smith. Claims 11-23 depend from claim 10 and are patentable over Cai in view of Smith for at least the reasons advanced with reference to claim 10.

Claim 24 recites "a caller-controlled call demarcation entry component." As described above with reference to claim 1, there is insufficient motivation to modify Cai to include demarcation information provided by the caller. Thus, claim 24 is patentable over Cai in view of Smith. Claims 25-31 depend from claim 24 and are patentable over Cai in view of Smith for at least the reasons advanced with reference to claim 24.

Claim 32 recites "wherein said demarcation interval is provided by a subscriber." As described above with reference to claim 1, there is insufficient motivation to modify Cai to include demarcation information provided by the subscriber. Thus, claim 32 is patentable over Cai in view of Smith. Claims 33-43 depend from claim 32 and are patentable over Cai in view of Smith for at least the reasons advanced with reference to claim 32.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

If any extensions of time are required under 37 C.F.R. 1.136, Applications hereby petition for such extensions of time and authorize any extension fees to be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: 

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Date: April 24, 2006

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